

# **EXHIBIT C**

# **EXHIBIT C**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

BLANCA GARCIA *aka*  
BLANCA OMEIDA

Debtor

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**OBJECTION TO  
CONFIRMATION**

Chapter 13

Case No. 09-22229-ASH

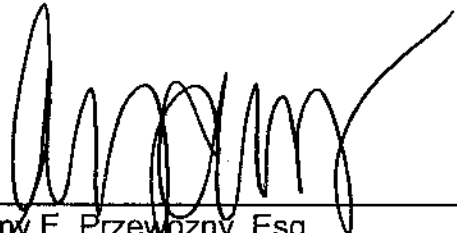
Amy E. Przewozny, Esq., an attorney duly licensed to practice law in the State of New York and admitted in the Southern District of New York, affirms the following to be true, under penalty of perjury:

1. I am an associate with the firm of Steven J. Baum, P.C., attorneys for the Secured Creditor, Home Loan Services, Inc.
2. This Affirmation is submitted for the purpose of objecting to confirmation of the Debtor's proposed Chapter 13 Plan.
3. The Debtor's proposed Plan fails to provide for pre-petition arrears due to Home Loan Services, Inc. The Proof of Claim filed on behalf of Home Loan Services, Inc indicates pre-petition arrears owing in the amount of \$134,976.11. A copy of said Proof of Claim is attached hereto as Exhibit 'A'. As the Debtor's proposed plan fails to provide for payment of these arrears, confirmation must be denied pursuant to 11 U.S.C. Section 1322(a)(2).
4. Moreover, the Debtor's proposed Plan provides for total plan payments in the amount of \$57,555.00. Also, the proposed Plan states that tax refunds are to be

paid into the Plan but fails to list the anticipated amount of the refunds. Accordingly, the feasibility of the Debtor's proposed plan cannot be determined.

5. By virtue of the foregoing, confirmation of the Debtor's proposed Chapter 13 Plan must be denied pursuant to 11 U.S.C. §1325.

Dated: Buffalo, New York  
April 9, 2009



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Amy E. Przewozny, Esq.  
Steven J. Baum, P.C.  
Attorneys for  
Home Loan Services, Inc  
P.O. Box 1291  
Amherst, New York 14240-1291  
(716) 204-2400

EXHIBIT 'A'

UNITED STATES BANKRUPTCY COURT Southern District of New York		PROOF OF CLAIM
Name of Debtor: <b>Blanca Garcia</b>	Case Number: <b>09-22229</b>	
<i>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <b>Home Loan Services, Inc.</b>	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: _____ <i>(if known)</i>  Filed on: _____	
Name and address where notices should be sent: <b>Home Loan Services, Inc. 150 Allegheny Center Mall Pittsburgh, PA 15212</b>	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
Telephone number: _____	<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
Name and address where payment should be sent (if different from above): <b>Home Loan Services, Inc. 150 Allegheny Center Mall Pittsburgh, PA 15212</b>	<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
Telephone number: _____	<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
<b>1. Amount of Claim as of Date Case Filed:</b> \$ <u>630,073.46</u>  If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.	<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a).</b> If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim.  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. § 507 (a)(4).  <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).  <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).  <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)( ).  Amount entitled to priority: \$ _____  <i>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>	
<b>2. Basis for Claim:</b> <u>Money Loaned</u> (See instruction #2 on reverse side.)	<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. § 507 (a)(4).  <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).  <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).  <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)( ).  Amount entitled to priority: \$ _____  <i>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>	
<b>3. Last four digits of any number by which creditor identifies debtor:</b> <u>1741</u>  <b>3a. Debtor may have scheduled account as:</b> _____ (See instruction #3a on reverse side.)	<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. § 507 (a)(4).  <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).  <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).  <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)( ).  Amount entitled to priority: \$ _____  <i>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>	
<b>4. Secured Claim</b> (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:  Value of Property: \$ _____ Annual Interest Rate _____ %  Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ <u>134,976.11</u> Basis for perfection: <u>Mortgage</u>  Amount of Secured Claim: \$ <u>630,073.46</u> Amount Unsecured: \$ _____	<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. § 507 (a)(4).  <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).  <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).  <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)( ).  Amount entitled to priority: \$ _____  <i>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>	
<b>6. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
<b>7. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain:		
<b>Date:</b> <u>03/06/2009</u>	<b>Signature:</b> The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.  <div style="display: flex; justify-content: space-between;"> <span><b>Amy E. Przewozny, Esq.</b></span> <span><b>/s/ Amy E. Przewozny</b></span> </div>	
		FOR COURT USE ONLY

Blanca Garcia  
Case No. 09-22229  
Loan No. \*\*\*\*\*1741

TOTAL AMOUNT OF DEBT

Principal Balance	\$	518,041.71
Accrued Interest	Interest at a Variable Rate	81,009.17
Accrued Late Charges		326.60
Foreclosure Attorney Fees and Costs		1,367.90
Escrow Advance		29,009.08
Property Inspections		162.00
Broker's Price Opinion		157.00
TOTAL	\$	630,073.46

PRE-PETITION ARREARS

2 Payments at \$3,861.61 (July 1, 2007-August 1, 2007)	7,723.22
7 Payments at \$4,973.50 (September 1, 2007-March 1, 2008)	34,814.50
6 Payments at \$5,169.69 April 1, 2008-September 1, 2008)	31,018.14
5 Payments at \$5,218.89 (October 1, 2008-February 1, 2009)	26,094.45
Accrued Late Charges	326.60
Foreclosure Attorney Fees and Costs	1,367.90
Escrow Shortage	33,312.30
Property Inspections	162.00
Broker's Price Opinion	157.00
TOTAL	\$ 134,976.11

\*\*\*This proof of claim is filed without waiving any and all rights the Secured Creditor may have under 11 U.S.C. Section 362, if applicable.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

**AFFIDAVIT OF MAILING**

In Re:

Case No.: 09-22229-ash  
(Chapter 13)

BLANCA GARCIA AKA BLANCA OMEIDA

Debtor.

Assigned to:  
Hon. ADLAI S. HARDIN, JR.  
Bankruptcy Judge

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS:  
CITY OF BUFFALO )


Gabrielle E. Ptak, being duly sworn, deposes and says that he/she is over eighteen years of age and resides in the City of North Tonawanda, New York.

That on the 9th day of April, 2009, deponent served the within Objection to Confirmation by depositing a true copy thereof, properly enclosed in a securely closed and duly post paid wrapper in a depository regularly maintained by the United States Postal Service in the City of Buffalo, New York, directed as follows:

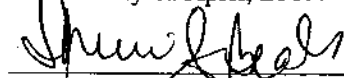
BLANCA GARCIA Debtor  
88 Palmer Avenue  
Scarsdale, NY 10583

LINDA M. TIRELLI, ESQ. Attorney for Debtor  
202 Mamroneck Avenue  
3rd Floor  
White Plains, NY 10601

JEFFREY L. SAPIR, ESQ. Chapter 13 Trustee  
399 Knollwood Road  
Suite 102  
White Plains, NY 10603

  
\_\_\_\_\_  
Gabrielle E. Ptak

Subscribed and sworn to before me  
this 9th day of April, 2009.

  
\_\_\_\_\_  
Notary Public

SHERRI A. BEALS  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires February 13, 2010